

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RICHARD IDEN,

4 Plaintiff

Case No.3:19-cv-00624-RFB-WGC

ORDER

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS,

8 Defendant

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed a document titled “Notice of Intent 42 U.S.C. § 1983 Civil Rights
12 Complaint.” (ECF No. 1). Plaintiff has not filed a complaint or an application to proceed
13 *in forma pauperis* in this matter.

14 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
15 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
16 days from the date of this order to submit a complaint to this Court.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
18 application to proceed *in forma pauperis* and attach both an inmate account statement
19 for the past six months and a properly executed financial certificate. Plaintiff will be
20 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
21 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application
22 to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma*
23 *pauperis* and attach both an inmate account statement for the past six months and a
24 properly executed financial certificate.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
28 as the document entitled information and instructions for filing an *in forma pauperis*

1 application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
3 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
4 the correct form with complete financial attachments, including both an inmate account
5 statement for the past six months and a properly executed financial certificate, in
6 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
7 (which includes the \$350 filing fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
9 **thirty (30) days** from the date of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
11 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
12 Clerk of the Court will also send Plaintiff a copy of his document titled "Notice of Intent 42
13 U.S.C. § 1983 Civil Rights Complaint." (ECF No. 1).

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
15 dismissal of this action may result.

16 DATED this 15th day of October, 2019.

17 Walter G. Cobb
18 UNITED STATES MAGISTRATE JUDGE
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